

EXHIBIT C

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

In Re: Bair Hugger Forced Air) File No. 15-MD-2666
Warming Devices Products) (JNE/DTS)
Liability Litigation)
September 6, 2018
Minneapolis, Minnesota
Courtroom 9E
9:00 a.m.

BEFORE THE HONORABLE DAVID T. SCHULTZ
UNITED STATES MAGISTRATE JUDGE

(MOTIONS HEARING)APPEARANCES

FOR THE PLAINTIFFS: MESHBER & SPENCE LTD.
Genevieve M. Zimmerman
1616 Park Avenue
Minneapolis, MN 55404

FOR THE DEFENDANT: BLACKWELL BURKE P.A.
Mary Young
Peter Goss
Ben Hulse
431 South Seventh Street
Suite 2500
Minneapolis, MN 55415

COURT REPORTER: Maria V. Weinbeck, RMR, FCRR
U.S. Courthouse
300 South Fourth Street
Suite 1005
Minneapolis, MN 55415

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transcript produced by computer.

1 not allowed to get into, and then to get into the case
2 specific workup.

3 So if we had changed the caption, if we had
4 changed the caption and instead of saying for Dr. Bushnell,
5 say that this is Axline specific, and say that he's going to
6 offer the following as impeachment if he's called during
7 Axline, would that be permitted?

8 THE COURT: No, that wouldn't change it. I agree
9 with you, but the point is his opinions are, the plaintiff
10 isn't saying this is only relevant to the Axline case, which
11 I think you've conceded, and I get that. I understand
12 you're really making a different argument.

13 What I'm saying is that as I understand the
14 Court's prior orders, if you want to have Dr. Bushnell
15 testify in the Axline trial, what you would have to do is
16 have Dr. Bushnell or Dr. Elghobashi, or however you
17 pronounce it --

18 MS. ZIMMERMAN: Well done, Your Honor.

19 THE COURT: -- actually model the Axline surgery
20 suite and run computational fluid dynamics computational
21 fluid dynamics in that suite, and then say given the
22 particulars of that surgery suite X follows or Y follows or
23 what have you. And so I mean I think the issue just simply
24 comes down to this is a rebuttal to nothing that is newly
25 disclosed. It's beyond the time period for general